

March 20, 2012

VIA ECF

Diane P. Wood, Circuit Judge
J.P. Stadtmueller, District Judge
Robert M. Dow, Jr., District Judge
United States District Court for the
Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Baldus, et al. v. Brennan, et al., Case No. 11-CV-00562-JPS-DPW-RMD

Your Honors:

The Court has this matter under consideration, having heard testimony and argument on February 23 and 24, 2012. Within a matter of days after the close of evidence, on February 29, 2012, through the internet, the plaintiffs became aware of a document (attached) bearing the name of Tad Ottman, a legislative employee and a witness here, expressly stating that it relates to “redistricting.” This document, and at least one other related document, were not produced in discovery – notwithstanding their apparent relevance, the subpoenas duces tecum served on Mr. Ottman, and the Court’s serial discovery orders involving Mr. Ottman by name. Moreover, there is no doubt that the documents were in the possession of Mr. Ottman’s employer between the time that the first subpoena was served (December 4, 2011) and the second subpoena was served (December 13, 2011).

The documents, on their face, appear not to affect the substance of the matters at issue – certainly not in a determinative sense. Since learning of the documents’ existence, however, we have been in communication with the legislature’s counsel to determine why the documents were not produced and if the failure to produce the documents was an inadvertent or isolated occurrence or, rather, systemic. That dialogue is ongoing.

We write now to ensure that the Court is aware of this matter and that regardless of the Court’s decision on the merits, any subsequent motion – should one be filed before or after a decision – is addressed in the appropriate context.

Diane P. Wood, Circuit Judge
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Very truly yours,

GODFREY & KAHN, S.C.

s/ Douglas M Poland

Douglas M. Poland

cc: Maria Lazar (by ECF)
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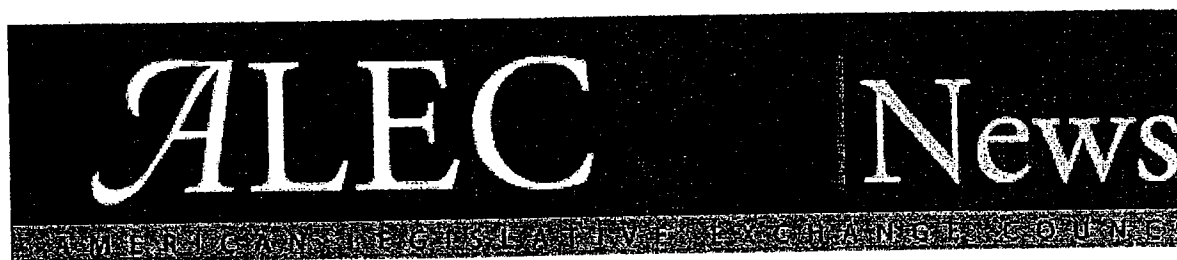
ATTACHMENT

Richard, Rob

From: Sen.Fitzgerald
Sent: Thursday, January 20, 2011 1:42 PM
To: Ottman, Tad
Subject: FW: ALEC Conference Call on Redistricting

From: ALEC [mailto:news@alec.org]
Sent: Thursday, January 20, 2011 1:38 PM
To: Sen.Fitzgerald
Subject: ALEC Conference Call on Redistricting

Problem viewing this email? [Click here](#) for our online version



January 20, 2011

ALEC Conference Call on Redistricting

ALEC's Public Safety and Elections Task Force is pleased to announce its Redistricting Working Group, chaired by Rep. Paul Ray, UT. The Working Group will host a conference call on the potential legal issues of Redistricting, as well as the software available to help make the process easier.

Call date/time: January 27, 1 PM – 2 PM EST. All ALEC members are invited to call-in.

Speakers: Rep. Paul Ray, UT (ALEC, Public Sector Subcommittee Chair), Mr. Mark Braden (Baker Hostetler), and Mr. Richard Leadbeater (ESRI).



Thursday, January 27, 2011
1 pm – 2 pm EST
Conference Line: (712) 432-0075
Passcode: 448313

Please RSVP to cobrien@alec.org by Wednesday, January 26.



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